

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ZACHARIAH ROBERTSON *individually and
on behalf of all others similarly situated,*

Plaintiff,

v.

ENBRIDGE (U.S.) INC.,

Defendant.

Civil Action No. 2:19-cv-1080

Hon. William S. Stickman IV

Hon. Lisa Pupo Lenihan

ORDER OF COURT

Plaintiff Zachariah Robertson initiated this action on behalf of himself and others similarly situated, alleging violations by Defendant Enbridge (U.S.) Inc. (“Enbridge”) of both the Pennsylvania Minimum Wage Act and the Federal Fair Labor Standards Act. (ECF No. 1). The case was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Rules of Court 72.C and 72.D. Motions to Intervene by Cleveland Integrity Services, Inc. (“CIS”) and Cypress Environmental Management-TIR, LLC. (“CEM-TIR”) were granted. (ECF No. 111).

Currently pending before the Court is CEM-TIR’s Motion to Dismiss the claims of Plaintiff Angel Hernandez and opt-in plaintiffs Scott Bridgeman and Michael Hendrick. (ECF No. 123). Magistrate Judge Lenihan issued an October 16, 2020 Report and Recommendation recommending that the motion be granted for *forum non conveniens*. (ECF No. 238). Plaintiffs filed Objections (ECF No. 241), and Enbridge and CEM-TIR then filed separate Responses (ECF Nos. 242 and 243).

After its *de novo* review of the record and consideration of the parties' pleadings, the Court agrees with the analysis and disposition of the motion as set forth by Magistrate Judge Lenihan in her Report and Recommendation. It agrees that the language of the forum-selection clause at issue is extremely broad and unambiguous. The forum-selection clause is valid and enforceable between Plaintiffs and CEM-TIR, and Plaintiffs' claims against Enbridge also fall within the scope of the forum-selection clause. Any controversy, claim, or litigation arising from or related to Hernandez's, Bridgeman's, and Hendrick's employment duties should be brought in the District Court of Tulsa County, Oklahoma. The Court overrules the Objections lodged by these Plaintiffs. Magistrate Judge Lenihan's Report and Recommendation (ECF No. 238) is **HEREBY ADOPTED** as the Opinion of the Court.

AND NOW, this 17th day of November 2020, **IT IS HEREBY ORDERED** that CEM-TIR's Motion to Dismiss the Claims of Plaintiffs Hernandez, Bridgeman, and Hendrick (ECF No. 123) is **GRANTED**. The claims of Plaintiff Angel Hernandez and opt-in plaintiffs Scott Bridgeman and Michael Hendrick are dismissed in their entirety for *forum non conveniens*. Plaintiff Angel Hernandez and opt-in plaintiffs Scott Bridgeman and Michael Hendrick are hereby terminated as parties in this case.

BY THE COURT:

/s/ William S. Stickman IV
WILLIAM S. STICKMAN IV
UNITED STATES DISTRICT JUDGE